

20), is entitled to be given preference in the renewal of the contract and in the negotiation of a new contract, providing that the existing concessioner submits a responsive offer (a timely offer which meets the terms and conditions of the Prospectus). This means that the contract will be awarded to the party submitting the best offer, provided that if the best offer was not submitted by the existing concessioner, then the existing concessioner will be afforded the opportunity to match the best offer. If the existing concessioner agrees to match the best offer, then the contract will be awarded to the existing concessioner.

If the existing concessioner does not submit a responsive offer, the right of preference in renewal shall be considered to have been waived, and the contract will then be awarded to the party that has submitted the best responsive offer.

The Secretary will consider and evaluate all proposals received as a result of this notice. Any proposal, including that of the existing concessioner, must be received by the Regional Director not later than the sixtieth (60th) day following publication of this notice to be considered and evaluated.

Dated: December 16, 1994.

Chrysandra Walter,

Acting Regional Director, North Atlantic Region.

[FR Doc. 95-1041 Filed 1-3-95; 8:45 am]

BILLING CODE 4310-70-M

Concession Contract Policies

AGENCY: National Park Service, Interior.

ACTION: Notice of Intent.

SUMMARY: The National Park Service (NPS) is undertaking a review of its policies concerning concession management activities. Pending completion of this review, the following interim measures are under consideration. Particularly, NPS proposes to amend several specific policies regarding concession contracts as follows: (1) Its current system for determining concessioner franchise fees by eliminating a policy which indicates that a concessioner's franchise fee usually should not exceed 50% of the concessioner's pre-tax, pre-franchise fee profit; (2) eliminating the policy that provides that franchise fees should not be collected with respect to the sale of Native American handicrafts; and (3) revising portions of the NPS rate approval system. Although not required by law to seek public comments on these policy amendments, NPS will

consider all comments received in a timely manner in its final decisions on these matters.

COMMENT DATE: Comments must be received on or before February 16, 1995.

ADDRESSES: Comments should be made to Robert Yearout, Chief, Concessions Division, National Park Service, P.O. Box 37127, Washington, D.C. 20013-7127.

SUPPLEMENTARY INFORMATION:

1. Franchise Fees

On December 31, 1986, NPS adopted a system for determining concessioner franchise fees to be used in awarding new and renewed concession contracts and for renegotiating franchise fees under existing contracts. The system generally calls for estimating concessioner returns on gross receipts and equity and then making a judgment, in part by comparison to returns in similar businesses, as to what level of franchise fee would allow the concessioner a reasonable opportunity to make a profit. An overriding policy in this regard is that, by law, consideration of revenue to the United States from franchise fees is subordinate to the objectives of providing appropriate service to park visitors.

One element of the current system is a policy which states that generally a franchise fee is not to be established which would exceed 50% of the pre-tax, pre-franchise fee profits of the concessioner. Experience has shown that this policy lacks a sound basis, and, in fact, favors the more profitable concessioners. In one case, an NPS franchise fee has recently been calculated at 12.7% of gross receipts from 18% upon application of the 50% policy. The difference over a five year period is estimated to be \$1.8 million (money not to be paid to the United States). Another actual example is an NPS franchise fee that was calculated at 8%, reduced from 14% upon application of the 50% policy. This resulted in a possible five year loss to the United States of over \$500,000.

Accordingly, NPS proposes to eliminate this policy (as now stated in NPS-48, Chapter 24) so that franchise fees may in all cases exceed 50% of pre-tax, pre-franchise fee profit where such a fee is otherwise consistent with a reasonable opportunity for profit and the objectives of providing adequate and appropriate service to park visitors. This policy, when finalized, will apply to all new concession contracts and all franchise fee reconsiderations not yet completed by a formal contract amendment.

2. Native American Handicrafts

For many years, NPS has had a policy which excludes from franchise fee computation the proceeds to concessioners generated by the sale of Native American handicrafts. The purpose of the policy was to encourage the sale of such handicrafts by making their sale more profitable to concessioners. However, experience has shown that concessioners generally are not encouraged to stock and sell more Native American handicrafts as a result of this policy than they would in its absence. Consequently, the exemption from franchise fees constitutes a windfall to concessioners with no overriding benefits to Native Americans.

According to a recent report from the Department of the Interior Inspector General, this exemption reduced NPS franchise fee revenues by over \$2.7 million from 1988 through 1992 from 55 concessions in 43 parks. In addition, the Inspector General criticized NPS for not adequately monitoring merchandising procedures with respect to sale of Native American handicrafts and stated that NPS personnel often did not have the expertise to verify handicraft authenticity. The Inspector General recommended the elimination of the policy of exempting sales of Native American handicrafts from franchise fee calculations.

For these reasons, NPS intends to eliminate this exemption from the Standard NPS Concession Contract and to remove it from Chapter 10 of NPS Management Policies.

3. Rate Approval System

Under § 3(c) of the Concessions Policies Act of 1965 (16 U.S.C. 20b(c)), NPS determines the reasonableness of a concessioner's rates to the public, unless otherwise stated in the contract, primarily by comparison with those current for facilities and services of comparable character under similar conditions, with due consideration for length of season, provision for peakloads, average percentage of occupancy, accessibility, availability and costs of labor and materials, type of patronage, and other factors deemed significant by the Secretary. In addition, NPS exercises its authority with respect to concession matters, including rate approvals, in a manner consistent with a reasonable (and, concomitantly, not unreasonable) opportunity for a concessioner to realize a profit on its operation as a whole commensurate with the capital invested and the obligations assumed.

The NPS rate approval system is contained in Chapter 18 of NPS-48.

NPS proposes to amend Chapter 18 to make clear that allowing an interim rate schedule is discretionary and to eliminate the interim appeal right of concessioners regarding selection of comparables.

For these reasons, NPS proposes to amend Chapter 18 by—

(1) Amending the first sentence of the last paragraph of Paragraph D.1.c. to read as follows:

When this situation occurs, the concessioner may, if NPS has reason to consider that a rate increase is warranted under the policies and procedures set forth herein, be allowed a rate based on the previous year's rates, with consideration being given for known cost increases or decreases, i.e., labor costs, or by other expected increases or decreases.

(2) Amending the first paragraph of Paragraph D.2. to read:

In situations where a concessioner is not satisfied with the rates approved by the Superintendent or the adjustment for recouping utility costs, the concessioner may appeal the Superintendent's decision. If not settled at the park level, the concessioner may appeal to the Regional Director.

Dated: January 6, 1995.

Roger G. Kennedy,

Director, National Park Service.

[FR Doc. 95-1042 Filed 1-12-95; 8:45 am]

BILLING CODE 4310-70-M

Willow Beach; Development Concept Plan Amendment; Final Supplement to the Final Environmental Impact Statement for the General Management Plan; Lake Mead National Recreation Area; Record of Decision

SUMMARY: Pursuant to Section 102 (2) (C) of the National Environmental Policy Act of 1969 (P.L. 91-190 as amended), and specifically to regulations promulgated by the Council on Environmental Quality at 40 CFR 1505.2, the National Park Service, Department of the Interior, has approved a Record of Decision (ROD) for the Willow Beach Development Concept Plan Amendment, Final Supplement to the Final Environmental Impact Statement for the General Management Plan, Lake Mead National Recreation Area, Arizona and Nevada.

The National Park Service will implement the proposed plan as identified in the Final Supplement, issued in October, 1994. Copies of the Record of Decision may be obtained from the Superintendent, Lake Mead National Recreation Area, 601 Nevada Highway, Boulder City, NV 89005, or by calling the park at (702) 293-8986.

Dated: January 5, 1995.

Patricia L. Neubacher,

Acting Regional Director, Western Region.

[FR Doc. 95-1045 Filed 1-13-95; 8:45 am]

BILLING CODE 4310-70-P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Eastern Associated Coal Corporation

[Docket No. M-94-178-C]

Eastern Associated Coal Company, 800 Laidley Tower, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.340(b)(1) (underground electrical installations) to its Lightfoot No. 1 Mine (I.D. No. 46-04332) located in Boone County, West Virginia. The petitioner proposes to use a current of air coursed directly into the return aircourse to ventilate the on-board charging of the scoop batteries, but not to ventilate the working places; to have the velocity of intake air used to ventilate the scoop batteries sufficient to prevent smoke rollback or airflow reversal during a fire on the scoop; to install carbon monoxide sensors that are not affected by hydrogen gas, and which are part of the AMS System that meets the requirements of 75.351, over the battery charging unit; to install a mandoor in the permanent stopping behind the battery charger unit, and to provide a way through a heat link to automatically open the mandoor in order to supply the area with a sufficient amount of fresh air over the batteries in the event of a fire and to course air directly to the main return. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

2. Eastern Associated Coal Corporation

[Docket No. M-94-179-C]

Eastern Associated Coal Corporation, 800 Laidley Tower, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.900 (low- and medium-voltage circuits serving three-phase alternating current equipment; circuit breakers) to its Lightfoot No. 1 Mine (I.D. No. 46-04332) located in Boone County, West Virginia. The petitioner proposes to use contactors to

provide undervoltage grounded phase protection instead of using circuit breakers, and to use the breakers for short circuit and overcurrent protection. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

3. Eastern Associated Coal Corporation

[Docket No. M-94-180-C]

Eastern Associated Coal Corporation, 800 Laidley Tower, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.900 (low- and medium-voltage circuits serving three-phase alternating current equipment; circuit breakers) to its Lightfoot No. 2 Mine (I.D. No. 46-04955) located in Boone County, West Virginia. The petitioner proposes to use contactors to provide undervoltage grounded phase protection instead of using circuit breakers, and to use the breaker for short circuit and overcurrent protection. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

4. M & H Coal Company

[Docket No. M-94-181-C]

M & H Coal Company, P.O. Box 559, Hegins, Pennsylvania 17938 has filed a petition to modify the application of 30 CFR 75.1002-1 (location of other electric equipment; requirements for permissibility) to its Mercury Slope (I.D. No. 36-01920) located in Schuylkill County, Pennsylvania. The petitioner proposes to use nonpermissible electric equipment within 150 feet of the pillar line and to suspend equipment operation anytime methane concentration at the equipment reaches 0.5 percent, either during operation or during a pre-shift examination. The petitioner asserts that the proposed alternative method would provide at least the same measure of protection as would the mandatory standard.

5. D.G.W. Coal Company

[Docket No. M-94-182-C]

D.G.W. Coal Company, Box 425-B2, Pine Grove, Pennsylvania 17963 has filed a petition to modify the application of 30 CFR 75.1400 (hoisting equipment; general) to its No. 7 Vein Slope (I.D. No. 36-07093) located in Schuylkill County, Pennsylvania. Because of steep, frequently changing pitch and numerous curves and knuckles in the main haulage slope, the petitioner proposes to use the gunboat without safety catches in transporting persons. As an alternative, when using